

1 BILL NO. G-81-09-22

2 GENERAL ORDINANCE NO. G- 28-81

3

4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating an alley.

7 WHEREAS, (1) a petition to vacate an alley (as more
8 specifically described below) was duly filed with the City
9 Plan Commission; and (2) said Commission duly held a public
10 hearing thereon; and (3) said Commission has duly forwarded
11 its recommendation thereon to this body approving said petition,
12 all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat.
13 Ann., 1980 Supp.)

14 WHEREAS, this body concurs in the recommendation of
15 the City Plan Commission.

16 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
17 FORT WAYNE, INDIANA:

18 SECTION 1. That the Petition filed herein to vacate:

19 An alley, 12 feet in width, bordered on the
20 north and south sides by Lots 26 through 30
21 in Baldwin Heirs Addition as in Plat Book 9B,
p. 52 in the Office of the Recorder of Allen
County, Indiana.

22 COMMENCE on the east line of Baldwin Drive, at
23 the Southwest corner of Lot 26 aforesaid;

24 THENCE Easterly along the south lines of Lots
25 26, 27, 28, 29 & 30, a distance of 210 feet to
the west line of Hartzog Drive;

26 THENCE Southerly along the west line of Hartzog
27 Drive, a distance of 12 feet to the northeast
corner of Lot 31;

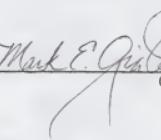
28 THENCE Westerly along the north line of Lots 31
29 and 25, a distance of 210 feet to the east line
of Baldwin Drive;

30 THENCE Northerly along the east line of Baldwin
Drive, 12 feet to the point of beginning.

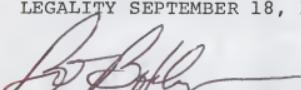
31 and which vacating amends the Thoroughfare Plan of the City
32 Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.


Mark E. Giunta
COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY SEPTEMBER 18, 1981.


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Gia Quinta, seconded by Costello, and duly adopted, read the second time by title and referred to the Committee (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19_____, at _____ o'clock M., E.S.T.

DATE: 9-22-81

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Delaney, and duly adopted, placed on its passage. PASSED (LOSED) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>7</u>	—	—	<u>2</u>	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	—	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>NUCKOLS</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT, D.</u>	—	—	—	<u>✓</u>	—
<u>SCHMIDT, V.</u>	<u>✓</u>	—	—	—	—
<u>SCHOMBURG</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 11-24-81

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. 12-28-81
on the 24th day of November, 1981.

Charles W. Westerman ATTEST:

(SEAL)

John Nuckols

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 30th day of Nov.
1981, at the hour of 11 o'clock A M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. G-81-09-22

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating an alley

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA - CHAIRMAN

Mark E. Gidwitz

SAMUEL J. TALARICO - VICE CHAIRMAN

Samuel J. Talarico

VIVIAN G. SCHMIDT

~~Trivian G. Schmidt~~

JAMES S. STIER

Jan 18th

DONALD J. SCHMIDT

Dr. Schmid

11-24-81 CONCURRED IN
DATE CHARLES W. WESTMAN, CIR



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

12 November 1981

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held October 26, 1981. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-81-09-22
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS

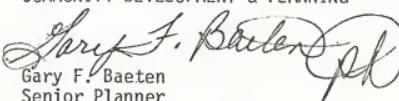
This ordinance received a DO PASS recommendation for the following reason:

REASON: This vacation will permit the efficient development of the adjacent property.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

71-109-11
11/4/81

R E S O L U T I O N N O . 71-109-11

WHEREAS, EMILY BEDREE and MARY BEDREE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

An alley, 12 feet in width, bordered on the north and south sides by Lots 26 through 30 in Baldwin Heirs Addition as in Plat Book 9B, p. 52 in the Office of the Recorder of Allen County, Indiana.

COMMENCE on the east line of Baldwin Drive, at the Southwest corner of Lot 26 aforesaid;

THENCE Easterly along the south lines of Lots 26, 27, 28, 29 and 30, a distance of 210 feet to the west line of Hartzog Drive;

THENCE Southerly along the west line of Hartzog Drive, a distance of 12 feet to the northeast corner of Lot 31;

THENCE Westerly along the north line of Lots 31 and 25, a distance of 210 feet to the east line of Baldwin Drive;

THENCE Northerly along the east line of Baldwin Drive, 12 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA }
COUNTY OF ALLEN } SS:
I, *Thomas W. Latchene*

I, *Thomas W. Latchene*, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held November 4 1981 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 4th DAY OF November 1981
FORT WAYNE BOARD OF PUBLIC WORKS

T. W. Latchem
Thomas W. Latchem, Chairman

Robert Anderson-Staten
Roberta Anderson-Staten, Member

Betty R. Collins
Betty R. Collins, Member

R E S O L U T I O N

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COMMENCE on the east line of Baldwin Drive, at the Southwest corner of Lot 26 aforesaid;

THENCE Easterly along the south lines of Lots 26, 27, 28, 29 and 30, a distance of 210 feet to the west line of Hartzog Drive;

THENCE Southerly along the west line of Hartzog Drive, a distance of 12 feet to the northeast corner of Lot 31;

THENCE Westerly along the north line of Lots 31 and 25, a distance of 210 feet to the east line of Baldwin Drive;

THENCE Northerly along the east line of Baldwin Drive, 12 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 19, 1981 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

A PETITION TO VACATE ALLEY.

6-81-09-22

MAP NO. Q-14

BY G. R. LAX 8-20-81

PETITION TO VACATE ALLEY

TO: THE CITY OF PLAN COMMISSION

CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following alley within the City of Fort Wayne, Indiana and hereby described as follows:

An alley, 12 feet in width, bordered on the north and south sides by Lots 26 through 30 in Baldwin Heirs Addition as in Plat Book 9B, p.52 in the office of the Recorder of Allen County, Indiana.

COMMENCE on the east line of Baldwin Drive, at the Southwest corner of Lot 26 aforesaid;

THENCE Easterly along the south lines of Lots 26, 27, 28, 29 & 30, a distance of 210 feet to the west line of Hartzog Drive;

THENCE Southerly along the west line of Hartzog Drive, a distance of 12 feet to the northeast corner of Lot 31;

THENCE Westerly along the north line of Lots 31 and 25, a distance of 210 feet to the east line of Baldwin Drive;

THENCE Northerly along the east line of Baldwin Drive, 12 feet to the point of beginning.

In support hereof, the petitioners would represent as follows:

1. That petitioners are the owner of the real estate abutting both sides of the alley;
2. That the alley is unopened and unimproved and is not utilized as ingress or egress to other properties whatsoever;
3. That no other person, firm or corporation is interested in or affected by this requested vacation;
4. That it would be to the best interest of the City of Fort Wayne and the citizens thereof to vacate this alley and be free of any claims or damages that could result;

The petitioners file this petition pursuant to the authority granted in the Indiana Code, Section 18-7-~~5~~^{-4.52} in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 24th day of July, 1981.

PETITIONERS:

Mary Bidwee

Emily Redree

(Owners of Lots 25, 26, 27, 28, 29, 30 and 31 of Baldwin Heirs Addition)

5468

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

2-81-09-22

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE An alley 12' in width bordered on the north and south by Lots 26 through 30 in Baldwin Heirs Addition.

EFFECT OF PASSAGE Property is now public right-of-way. Property will be vacated and closed for public use and will revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk - room 122

December 1, 1981

Ms. Judy High
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. High:

Please give the attached full coverage on the dates of December 4 and December 11, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice of Common Council
of Fort Wayne, Indiana

Bill No. G-81-11-07
General Ordinance No. G-29-81

Bill No. G-81-09-22
General Ordinance No. G-28-81

Bill No. G-81-09-12
General Ordinance No. G-27-81

Bill No. G-81-08-08
General Ordinance No. G-26-81

Please send us 14 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 24th day of November, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-11-07 -- General Ordinance No. G-29-81, AN ORDINANCE amending a certain Section of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974

Notice is hereby given that on the 24th day of November, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-09-22 -- General Ordinance No. G-28-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley

Notice is hereby given that on the 24th day of November, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-09-12 -- General Ordinance No. G-27-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley

Notice is hereby given that on the 24th day of November, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-08-08 -- General Ordinance No. G-26-81, AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a street and plat thereof

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-81-11-07 -- General Ordinance No. G-29-81; Bill No. G-81-09-22 -- General Ordinance No. G-28-81; Bill No. G-81-09-12 -- General Ordinance No. G-27-81 and Bill No. G-81-08-08 -- General Ordinance No. G-26-81, were passed by the Common Council on the 24th day of November, 1981, said Ordinances were signed and approved by the Mayor on the 30th day of November, 1981, and remains on file and on record in my office.

Copies of Bill No. G-81-11-07 -- General Ordinance No. G-29-81; Bill No. G-81-09-22 -- General Ordinance No. G-28-81; Bill No. G-81-09-12 -- General Ordinance No. G-27-81 and Bill No. G-81-08-08 -- General Ordinance No. G-26-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-81-11-07 -- General Ordinance No. G-29-81; Bill No. G-81-09-22 -- General Ordinance No. G-28-81; Bill No. G-81-09-12 -- General Ordinance No. G-27-81 and Bill No. G-81-08-08 -- General Ordinance No. G-26-81 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on December 4, 1981

Charles W. Westerman

Charles W. Westerman
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen
County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head	number of lines	1
Body	number of lines	106
Tail	number of lines	2
Total number of lines in notice		109

LEGAL NOTICE

CO Notice is hereby given that on the 24th day of November, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-09-12 — General Ordinance No. G-28-81, AN ORDINANCE amending a certain Section of Chapter 89 of the Code of the City of Fort Wayne, Indiana of 1974.

1 columns wide equals 109 equivalent lines at .276¢ \$ 30.08
line

notice containing rule or tabular work (50 per cent of above amount)

DA 3 of publication (50 cents for each proof in excess of two) 12 extra copies 6.00
\$ 36.08

OUNT OF CLAIM.

Pur mm 9.6 picas Size of type 6 point
has 2 Size of quad upon which type is cast
I have 1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that General Ordinance No. G-28-81; Bill No. G-81-09-22 — General Ordinance No. G-28-81 and Bill No. G-28-81; Bill No. G-81-09-12 — General Ordinance No. G-27-81 and Bill No. G-81-09-12 — General Ordinance No. G-28-81, as approved by the Common Council on the 24th day of November, 1981, said Ordinance being signed and approved by the Mayor on the 30th day of November, 1981, and remains on file and on record in my office.

Copies of Bill No. G-81-11-07 — General Ordinance No. G-29-81; Bill No. G-81-09-07 — General Ordinance No. G-28-81; Bill No. G-81-09-12 — General Ordinance No. G-28-81 and Bill No. G-28-81; General Ordinance No. G-28-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... ARVILLA DEWALD who, being duly sworn, says that she is..... CLERK of the

JOURNAL-GAZETTE

2 newspaper of general circulation printed and published

in the English language in the city town FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 12/4 - 12/11/81

Subscribed and sworn to before me this 11th day of December 1981

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Head	number of lines	1
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COMPUTATION OF CHARGES

109	1	columns wide equals	109	equivalent lines at	.276¢	\$ 30.08
		cents per line				

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	12 extra copies	6.00
		\$ 36.08

TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point

Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arnold DeWald

Date Dec. 11, 1981

Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says that she is CLERK of theJOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 12/4 - 12/11/81Subscribed and sworn to before me this 11th day of December, 1981My commission expires November 29, 1985*Arnold DeWald*
Notary Public

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